REMARKS

1.   Claims 136-145 were rejected under 35 U.S.C 112, second paragraph, as being incomplete "for omitting essential steps/elements, such omission amounting to a gap between the steps". The Examiner cited MPEP 2172.01 and stated that the omitted steps were "a network transmission to the second mobile unit comprising pushing information to the second mobile unit".

MPEP 2102.01 states:

> A claim which omits matter **disclosed to be essential ... as described in the specification or in other statements of record** may be rejected under 35 U.S.C. 112, first paragraph ... Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements **described by the applicant(s) as necessary** to practice the invention.
>
> In addition, a claim which fails to interrelate essential elements of the invention **as defined by applicant(s) in the specification** may be rejected under 35 U.S.C. 112, second paragraph....

Applicants' specification does not describe pushing as necessary, and on the contrary describes an alternative "query-based" operation (page 8, line 6).

The Examiner further states:

> New claims 136-145 are rejected for failing to set forth the subject matter which the applicants regard as novel. The previously pending claims were arguably distinguished over the prior art for the feature of "pushing" ... None of the newly added claims 136-145 comprise this feature. Thus, the claims omit features for which the claims are alleged to be novel....

Applicants have not alleged that the "pushing" feature was novel for Claims 136-145. Section 112 does not restrict Applicants to the features recited in the previously pending claims.

2.   Claims 70, 71, 74, 75, 78-80, 83-85, 88-90, 93, 94, and 130-145 were rejected under 35 U.S.C. 103 over Bunn or, alternatively, over Bunn in view of Johnson. Claims 70-135 are canceled, and are replaced with new Claims 146-179.

The Examiner has not provided a basis for the section 103 rejection of Claims 136-145. See MPEP 706.02(j). The rejection is therefore believed to be improper.

New Claim 146 is supported by Applicants' Figs. 1 and 3 as follows (see also the specification, page 3, lines 24-29; page 4, lines 1-4; and page 8, line 26, through page 9, line 12):

> 146.   A method for operating first and second mobile devices, the method comprising:
>
> (1) the second mobile device **(110)** performing a network transmission **(302)** to a server **(106)** to specify to the server one or more conditions for a location-relevant service to be performed by the server when the one or more conditions are met, at least one of the one or more conditions being relevant to a location of the first mobile device **(101)**;
>
> (2) the first mobile device **(101)** performing a network transmission **(303)** of a location-relevant information to the server, the location-relevant information informing the server of the location of the first mobile device;
>
> (3) the server determining, based on the location-relevant information, whether the one or more conditions are met **(304)**;
>
> (4) upon determining that the one or more conditions are met, the server pushing information over a network to the second mobile device to provide the location-relevant service to the second mobile device **(305)**;
>
> wherein the second mobile device is used by a user who is not a user of the first mobile device **(page 4, lines 1-4)**.

In one example, the invention is used to manage a fleet of trucks. The truck company supervisor may want to ensure that a given truck stays within a certain geographical area, and the supervisor may want to be notified if the truck leaves the area. The truck's mobile device ("first mobile device") informs the company server of the truck's location. The supervisor can set up the server to call the supervisor's cellular telephone or personal digital assistant ("second mobile device"). Moreover, the supervisor can use the same cellular telephone or PDA to set up the server to call the supervisor (see paragraph (1) of Claim 146).

In another example, the fleet includes a refrigerator truck, and the supervisor may want to be notified if the truck's refrigerator temperature has risen above a certain level while the truck is in a certain geographical area. Again, the supervisor may use his cellular telephone or PDA both to set up the service and receive the notifications.

Claim 146 is not limited to the embodiments discussed herein or in the application.

Bunn discloses a vehicle rental system having devices installed on the rental vehicles and also having an HQ computer. Bunn does not teach or suggest that a rental vehicle device can be used by a user to set up a service on the HQ computer to receive pushed information on a condition relevant to a location of a vehicle device used by another user as recited in Claim 146, paragraph (1).

In Johnson, a user is equipped with a mobile RDPS (Receiving Data Processing System, see column 2, lines 14-15). "Content is pushed to a user's RDPS when it is most appropriate for the user to see the content" (column 4, lines 27-31). For example, when a driver or pedestrian user with a mobile RDPS approaches a retail store (such as Starbucks), an advertisement of a special deal at the store is pushed to the user (column 3, lines 9-13; column 8, lines 30-65)). This service is set up by a "Starbucks representative" (column 8, lines 39-40), not via the user's mobile device as in Claim 146.

Independent Claim 155 is believed to be allowable for similar reasons.

Claim 164 recites, at the end, that "the first mobile device is contained in a vehicle, and the second mobile device is not contained in said vehicle."

Bunn does not teach or suggest that a mobile device not contained in a rental vehicle can be used to set up a service on the HQ computer to receive pushed information on a condition relevant to a location of a device contained in the vehicle as recited in Claim 164.

Johnson also does not teach or suggest this feature.

Claim 172 is believed to be allowable for similar reasons.

The remaining new claims depend from one of Claims 146, 155, 164, 172.

Any questions regarding this case can be addressed to the undersigned at the telephone number below.

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